

REMARKS

Claims 12-19, 21-28 and 38-49 are pending in the application. Claims 12, 14-16, 18, 19, 21, 24, 25, 27 and 28 have been amended. Claims 1-11, 20 and 29-37 have been canceled without prejudice or disclaimer. Claims 38-49 are newly added. Reconsideration of this application is respectfully requested.

The Office Action rejects claims 1-37 under 35 U.S.C 103(a) as unpatentable over U.S. Patent No. 5,818,713 to Uchihara et al., hereafter Uchihara in view of U.S Patent No. 5,974,457 to Waclawsky et al., hereafter Waclawsky.

This rejection is moot as to claims 1-11, 20 and 29-37, which have been canceled, and is inapplicable to claims 12-19 and 21-28 because of the amendment to the claims that has changed their dependency from canceled claims to new claims.

Claims 12 and 16 have been amended to depend from new claim 47, making the series of claims 12-19 dependent on new claim 47. Claims 21 and 25 have been amended to depend from new claim 48, making the series of claims 21-28 dependent on new claim 48.

Although new claims 47 and 48 have not been rejected, the following observations are presented. New claims 47 and 48 each recite accessing time series data of a process that is stored in a memory. An access request is generated wherein the access request is based on a data structure that comprises "a plurality of activities of said process, at least one attribute of a first one of said activities, a definition of said attribute and a tag for a device that produces at least a portion of said time series data that occurs during said first activity". The "access request identifies said first activity and said device". In

response to the access request, the data structure is used to access the memory to retrieve the portion of the time series data produced by said. The claimed method and computer apparatus greatly simplifies finding particular data within a time series database. No special comparison or other processing technique is needed to find a particular time series data.

Uchihara lacks the data structure, generating an access request based on the data structure and in response to the access request, using the data structure to access the memory to retrieve the portion of time series data produced by the device, as claimed in claims 47 and 48.

Uchihara discloses a system that uses inference processing to identify a faulty equipment. Uchihara does not disclose or teach how time series data is retrieved from process record data 16b. The description at column 13, lines 23-27, merely states the pursuant to an instruction from operation unit 14, a time series data management unit retrieves the required data from at a requested time and duration from process record data 16b. That is, the instruction requests the time series data that occurs during a specific “time and duration”. There is no disclosure, teaching or suggestion that the “time and duration” are related to any specific activity of the process. There is no disclosure, teaching or suggestion that the “time and duration” are related to any specific device of the process. There is no disclosure, teaching or suggestion that the “time and duration” are based on a data structure or that process record data 16b is accessed based on a data structure. Thus, Uchihara lacks a data structure that comprises an activity that frames a portion of the time series data and a device, a memory access request that identifies the activity and the device and responsive to the access request, using the data structure to access the memory to retrieve the portion of the time series data produced by the device, as claimed in claims 47 and 48.

The Examiner admits that Uchihara does not disclose or teach an activity that frames a portion of the time series data, but contends that Wacławsky does

and that it would be obvious to combine Waclawsky's benchmarking process for data communications traffic with Uchihara's plant support system.

The Uchihara/Waclawsky combination lacks a data structure for accessing specific time series data as claimed. In particular, Waclawsky does not supply what Uchihara lacks, namely, a data structure that comprises an activity that frames a portion of the time series data produced by a device, a memory access request that identifies the activity and the device and in response to the access request, using the data structure to access the memory to retrieve the portion of the time series data produced by the device, as claimed in claims 47 and 48.

The Examiner contends that Waclawsky discloses an activity at column 16, lines 18-20, and at column 2, lines 41-44. The column 16 citation merely refers to the times when data is collected, accumulated or stored. This merely describes data with a time stamp. The column 2 citation merely refers to identification of network events and summaries of correlated network event behavior. Neither of these citations discloses, teaches or suggests an activity that defines a portion of the data, a device that generated the data or a data structure that is used to access the data from a memory.

Therefore, Uchihara/Waclawsky lacks a data structure for accessing specific time series data as claimed in claims 46 and 47.

The combination of Uchihara and Waclawsky is improper because Uchihara's plant support system and Waclawsky's benchmarking system for data communications traffic are clearly non-analogous arts.

There is no motivation for one skilled in the art to look to combine Uchihara's plant support system with Waclawsky's benchmarking system for data communications traffic. The Office Action suggestion to use Waclawsky in combination with Uchihara is improperly based on the hindsight of Applicants'

disclosure. Such hindsight reconstruction of the art cannot be the basis of a rejection under 35 U.S.C. 103. The prior art itself must suggest that modification or provide the reason or motivation for making such modification. In re Laskowski, 871 F.2d 115, 117, 10 USPQ 2d 1397, 1398-1399 (CAFC, 1989).

“The invention must be viewed not after the blueprint has been drawn by the inventor, but as it would have been perceived in the state of the art that existed at the time the invention was made.” Sensonics Inc. v. Aerosonic Corp. 38 USPQ 2d 1551, 1554 (CAFC, 1996), citing Interconnect Planning Corp. v. Feil, 774 F. 2d 1132, 1138, 227 USPQ 543, 547 (CAFC, 1985).

For the reasons set forth above, it is submitted that the rejection of claims 12, 14-16, 18, 19, 21, 24, 25, 27 and 28 under 35 U.S.C. 103(a) is moot and should be withdrawn.

The Office Action cites a number of patents that were not applied in the rejections of the claims. These patents have been reviewed, but are believed to be inapplicable to the claims.

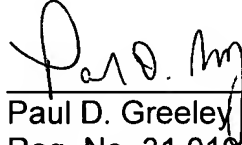
Newly presented independent claims 38, 43 and 46 recite a computer apparatus, a method and a memory media for accessing time series data of a process. The cited references lack elements or steps of each of these claims. In particular each of these claims recites the use of an activity framing program that in response to input data entered by a user defines a data structure and that responds to a request that identifies an activity and a tag of a device of the data structure to use the data structure to access the time series data to retrieve time series data produced by the device during the activity. New claims 39-42 depend from claim 38 and new claims 44 and 45 depend from claim 43.

New claim 49 is directed to a memory media and is similar to claims 47 and 48, which are discussed above. Accordingly, it is submitted that new claims 38-49 distinguish from the cited art and are, therefore, allowable.

It is respectfully requested for the reasons set forth above that the rejections under 35 U.S.C. 103(a) be withdrawn, that claims 12-19, 21-28 and 38-49 be allowed and that this application be passed to issue.

Respectfully Submitted,

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